IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO: 1324 of 2005

Between:

Mohd. Nazeer Ahmed S/o late Mohd.Ismail,H.No.19-2-24/20/9, Ali Bagh, New Road, Hyderabad.

... PETITIONER

AND

1. The Commissioner of Police, Basheerbagh, Hyderabad.

2. The Assistant Commissioner of Police, Charminar, Hyderabad.

3. The Inspector of Police, Kalapather Police Station, Hyderabad.

4. The Special Grade Deputy Collector/RDO, Hyderabad, East Dvision, Hyderabad.

5. The Mandal Revenue Officer, Mandal Bahadurpura, Hyderabad.

6. Mr. Meer Mohd. Hassan Ali, S/o Mohd. Ali, H.No.23-2-197/5, Moghalpura, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents 1 to 5 in not taking action against the 6th respondent removing him from the encroachment made in the premises bearing No.19-2-24/3/A, situated at Ali Bagh, Jahanuma, New Road, Kalapather, Bahadurpura Mandal, Hyderabad and hand over the key to the petitioner from possession of the 3rd respondent for the above said premises, as illegal, irregular, high handed committing the dereliction of duty by colluding with the 6th respondent.

Counsel for the Petitioner: MS. K. N. VIJAYA LAXMI
Counsel for the Respondent Nos.1 to 5: GP FOR HOME
Counsel for the Respondent No.6:

The Court at the stage of admission made the following ORDER:

Petitioner seeks a writ of *mandamus* declaring the action of respondents 1 to 5, the police and the revenue officials, in not taking the action against the sixth respondent, in removing him from the encroachment made in the premises bearing No.19-2-24/3/A at Ali Bagh, Jahanuma, New Road, Kalapather, Bahadurpura Mandal, Hyderabad as illegal and arbitrary.

Several contentions are advanced on behalf of the petitioner. Reference is also made to the report submitted by the Revenue Divisional Officer, Hyderabad in October 2004 to the District Collector, Hyderabad.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

On the face of it, the averments in the writ petition and the material papers enclosed to it, disclose a civil dispute in relation to an immovable property. Neither the revenue nor the police officials can resolve such disputes. If the petitioner faces any challenge to his rights over the said property, he has to approach a Court of competent civil jurisdiction and seek necessary remedy. This court cannot grant any relief in such a writ petition.

Hence, the writ petition is disposed of, leaving it open to the petitioner to work out his remedies in an appropriate Court of civil jurisdiction. There shall be no order as to

costs.

02.02.2005

Glv/Ksld

Copies to:

1. The Commissioner of Police, Basheerbagh, Hyderabad.

2. The Assistant Commissioner of Police, Charminar, Hyderabad.

3. The Inspector of Police, Kalapather Police Station, Hyderabad.

4. The Special Grade Deputy Collector/RDO, Hyderabad, East Dvision, Hyderabad.

5. The Mandal Revenue Officer, Mandal Bahadurpura, Hyderabad.

6. Two CCs to the Government Pleader for Home, High Court Buildings, Hyderabad. (OUT).

7. Two CD copies.